

August 15, 2006 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

07TW0106

James and Jennifer Dudley  
(Chesdin Park Subdivision)

Clover Hill District  
On the terminus (cul de sac) of Chesdin Park Drive

REQUEST: Development Standard Waiver to the Zoning Ordinance provision in Section 19-510 (a)(1) to permit two (2) boats to be parked in an area of the side yard outside of the required rear yard. It should be noted that this request is a result of a complaint.

RECOMMENDATION

Staff recommends that Development Standard Waiver request be denied for the following reasons:

- A. The lot is 1.008 acres and there is ample room in a grassy area in the rear yard to park two (2) boats behind the rear plane of the home without clearing any trees.
- B. The current location (in violation with the Ordinance) is visible from the street and to adjacent neighbors and may have a negative impact on the neighborhood.
- C. The applicant has not demonstrated a hardship to justify the retention of the boat in its current location.

GENERAL INFORMATION

Applicant/Owner:

James and Jennifer Dudley

Location:

At the terminus of Chesdin Park Drive on a cul de sac, also known as Lot 11, Chesdin Park and 10206 Chesdin Park Drive. Tax ID 756-623-3337.

Existing Zoning and Land Use:

R-15; Single Family Residential

Size:

1.008 acres

Adjacent Zoning and Land Use:

North, South, East and West - R-12 – Single-family residence

BACKGROUND

The applicant's are requesting permission to retain the boat parking in a side yard location outside of the required rear yard because trees in the rear yard would have to be cleared in order to comply with the Ordinance. The application states that this would adversely affect the value and enhancement of the property. The applicant has submitted information to address the requirements of Section 19-19 regarding granting a Development Standards Waiver. (Attachment 1)

The applicant's purchased this home in October 2005 and stated that both boats are usually parked on a gravel parking area directly adjacent to the side loaded garage of the house. The applicant does not believe the boats as parked are impairing the property values. Additionally the applicant states in the application that requiring the boats to be parked behind the rear plane of the home causes a hardship because trees would have to be cleared and that could adversely affect the property's value. (Attachment 1)

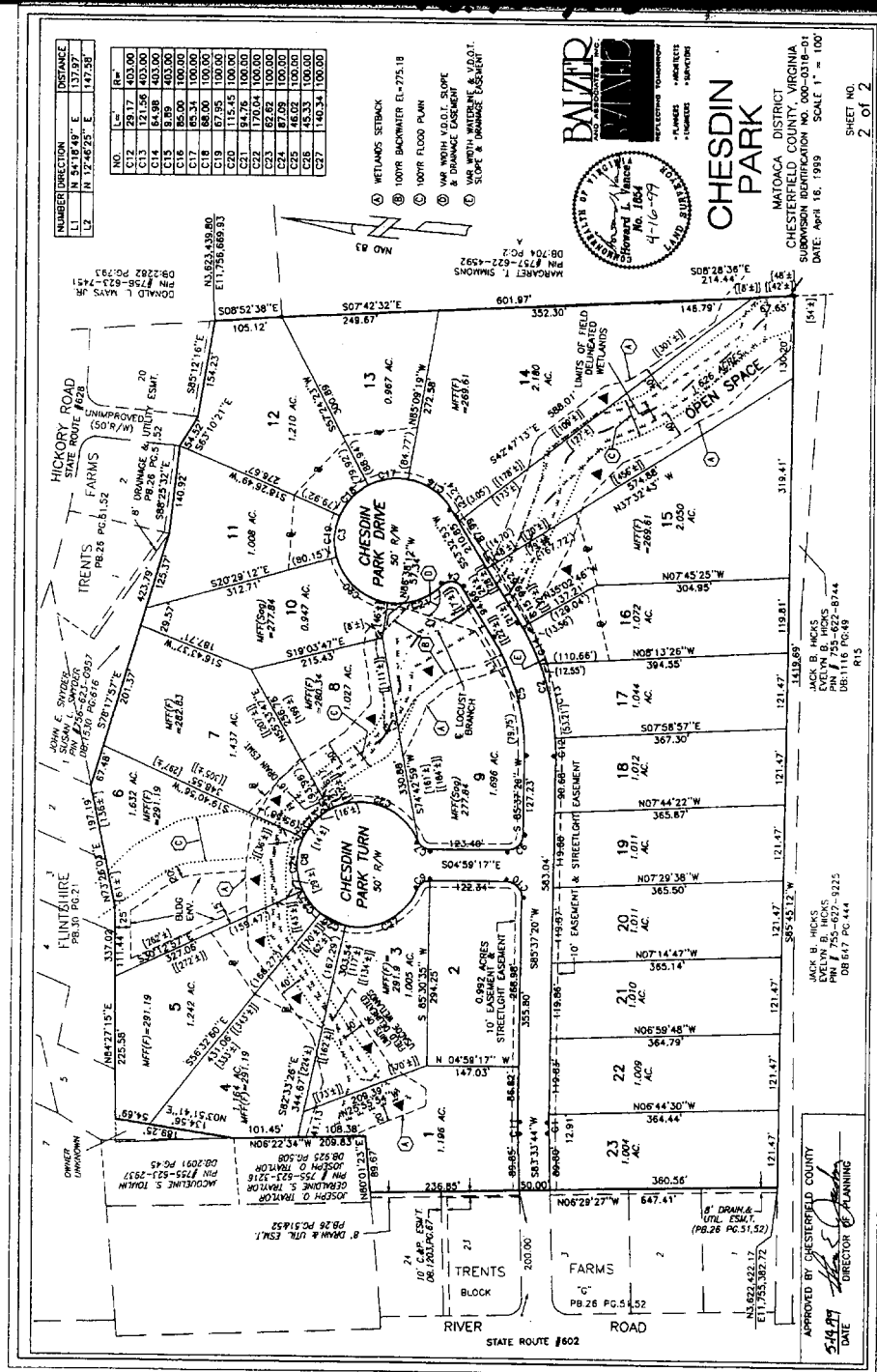
The Ordinance requires a boat to be parked in the rear yard (behind the house) at least five (5) feet from a side lot line and ten (10) feet from the rear lot line. After the property owner reviewed the situation with Zoning Enforcement staff, it was concluded that a possible means to correct the violation would be obtaining a Development Standards Waiver.

CONCLUSIONS

Staff visited the property and noted that, although there is a stand of trees in the rear yard, there is ample room to park two (2) boats behind the home and comply with the Ordinance without clearing any trees (Attachment 2). Staff believes no physical hardship exists that would require the boats to be parked on the gravel parking area in the side yard adjacent to the house rather than the required rear yard location. Additionally, staff noted the existence of three (3) dead oak trees in the general location of the required boat parking in the rear yard that could be cleared

without adversely affecting the property's value. Staff further observed three (3) other instances in this twenty-three (23) lot subdivision where homeowners have their boats and recreational vehicles parked in the permitted locations of their respective rear yards. Staff believes that approval of this request would be detrimental to the neighborhood and set precedence for approving other requests for parking boats and recreational vehicles in non-permitted yard areas.

**RECORD PLAT CHESDIN PARK**



**PLAT OF  
LOT 11, CHESDIN PARK  
MATOACA DISTRICT  
CHESTERFIELD COUNTY  
VIRGINIA**

**HARVEY L. PARKS, INC.  
LAND SURVEYORS  
4508 W. HUNDRED RD.  
CHESTER, VA  
748-0615**

DATE: 11-19-2005 SCALE: 1" = 30'  
DRAWN BY: M.E.C. / J.A.C.  
CHECKED BY: M.E.C.  
F.M. - 7-20

THE SURVEY IS SUBJECT TO ANY EASEMENTS  
WHICH A TITLE SEARCH MIGHT DISCLOSE.

COMMONWEALTH OF VIRGINIA  
LAND SURVEYOR  
RANDI LOUSON  
NO. 8228  
JPC

CHESDIN PARK DRIVE

1.008 ACRES

11

12

CONC.

1 STORY FRAME NO. 10206

GRAVEL DRIVE

POWER

B/L

10' EASEMENT & STREET LIGHT ESMT

S 88°25'32" E 140.92'

N 20°29'12" W 312.71'

270.67'

58.71'

107.81'

107.82'

60.13'

L = 67.95'  
R = 100.00'

10'

R/P

228.02' TO THE B.O. OF  
CHESDIN PARK TURN EXTD.

THIS IS TO CERTIFY THAT ON 11/19/2005 I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

PUR. UPDATES : TENNISPOLE DUDLEY

**ATTACHMENT 1**

**Reasons why I am asking for a Developmental  
Standards Waiver**

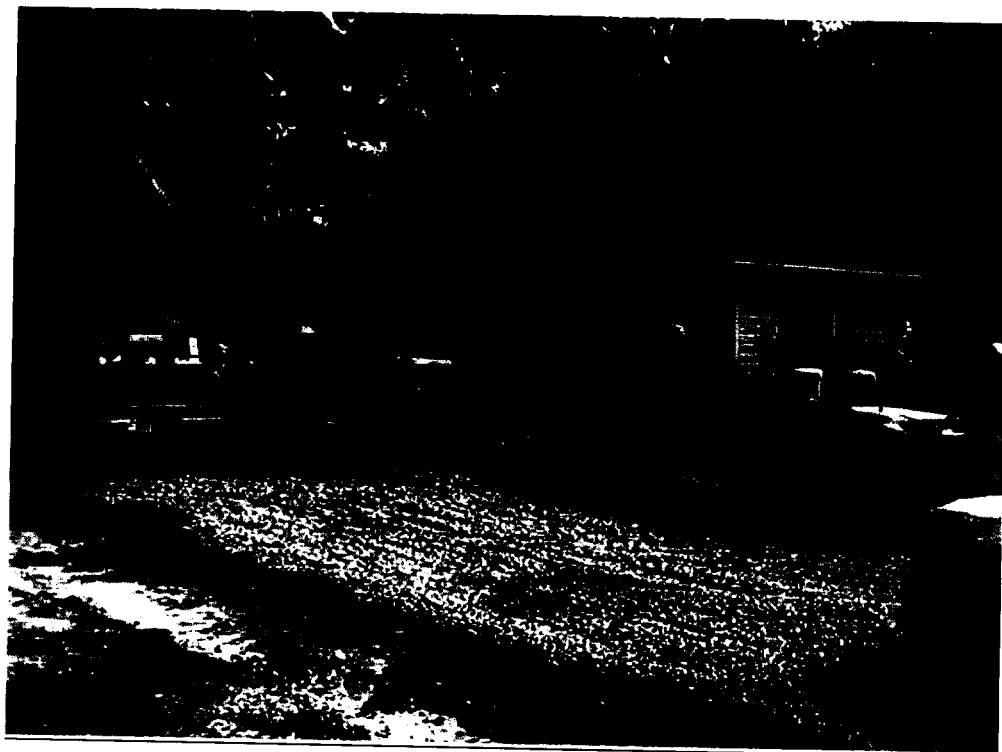
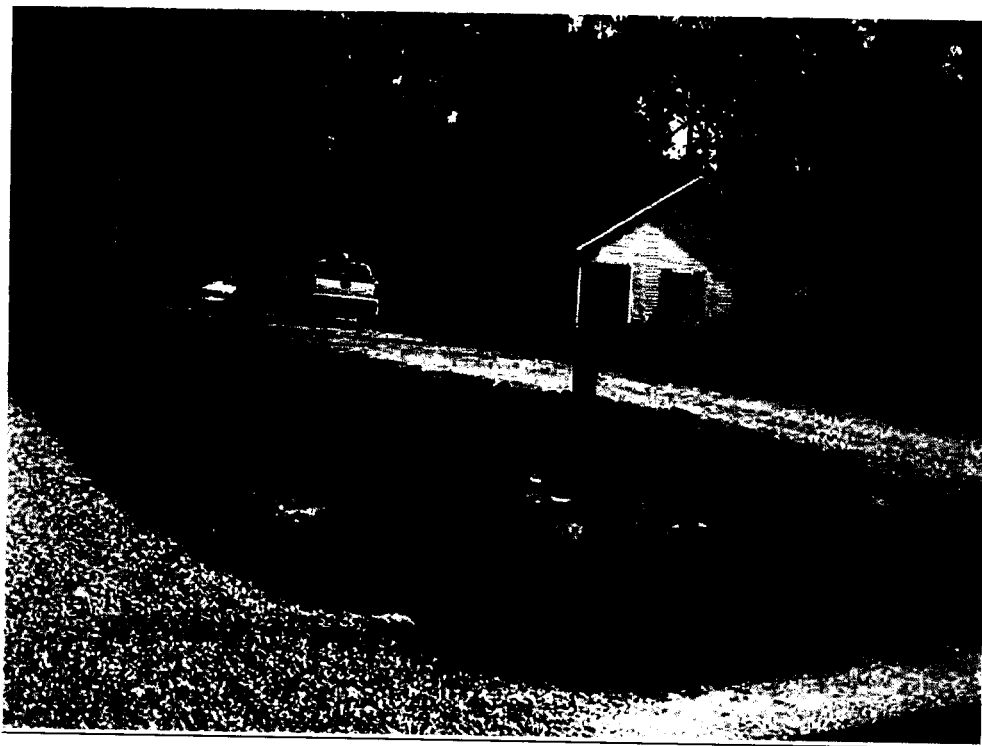
1. We have trees and bushes throughout our back yard that will not allow a 24' Bass boat & trailer to be stored there without removing the trees. That would be very costly and would take away from the appearance of our lot.
2. The Ordinance seems to be heavily directed to keeping up the image and value of the property. In my opinion, the boat is less obvious parked beside the garage than in the side rear yard.
3. Granting this modification will uphold the value of neighboring properties as well as my own and will not conflict with the overall value of the neighborhood.
4. Granting this modification will not cause an amendment to be adopted, for the reason that future residents, if the property is ever sold, may not have a recreational vehicle.
5. This will allow mw to park my boat in compliance of Chesterfield County Zoning Ordinance section 19-510(a)(1).
6. By granting this modification, the boat will be in a safer area with a motion detector light in the event someone would tamper with the boat. This way I have the ability to keep the public safe and discourage accidental injury.

RECEIVED

JUN 16 2006

PLANNING DEPARTMENT

ATTACHMENT 2 (p1.)



07TW0106-AUG18-CPC 3PM

ATTACHMENT 2 (p2.)



07TW0106-AUG18-CPC 3PM



### **ATTACHMENT 3**

#### **REQUIRED FINDINGS – Section 19-19**

The Planning Commission may grant a Development Standards Waiver to development standards or requirements specified in the Zoning Ordinance if it is determined to be in substantial compliance with all of the following factors:

- (1) By reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property or by reason of exceptional topographic conditions or other exceptional situation or condition relating to such property the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property.
- (2) The granting of the modification will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience, and the hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (3) The modification will not be injurious to the use and enjoyment of adjacent property owners; will not diminish or impair property values within the neighborhood; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare.
- (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.
- (5) The granting of such modification will allow the project to comply with the Comprehensive Plan.

The Planning Commission shall not grant a modification to any development standard or requirement if:

- (1) The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.
- (2) Ordinary financial considerations are the principal reason for the requested modification.
- (3) The modification amends a property-specific condition imposed by the Board of Supervisors or the Board of Zoning Appeals, unless such condition specifically grants such modification authority to the Planning Commission.
- (4) The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem, including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of development density.

